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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,238	02/14/2002	Janne Aaltonen	06071.00001	6235
22907	7590	09/09/2005		
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			EXAMINER BILGRAMI, ASGHAR H	
			ART UNIT 2143	PAPER NUMBER

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,238

Applicant(s)

AALTONEN ET AL.

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. In view of the cancellation of claims 24-26 in the amended claims by the applicant 35 U.S.C. § 112, second paragraph has been withdrawn by the examiner.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Birdwell et al (U.S. 6,108,706).

4. As per claims 1, 9-11, 19, 22, 23 & 26 Birdwell disclosed a communication device for accessing information on a computer network, the device capable of communicating with a first communications network (col.3, lines 10-16), and receiving a signal from a second communications network (col.3, lines 23-31 & col.3, lines 40-43), the device comprising: a receiver for receiving, via the second network, unsolicited information from the computer network (col.4, lines 25-33), wherein the information contains an identifier identifying further information on the computer network; a transceiver for requesting, via the first network, further information from the computer network, wherein the further information is based on the received identifier (col.4, lines 66-67 & col.5, lines 1-46).

5. As per claims 2, 4 & 12 Birdwell disclosed the device of claim 9, 10 or 11, wherein the second communications network is a broadcast network, and wherein the receiver is adapted to receive the unsolicited information via the broadcast network (col.3, lines 23-31 & col.3, lines 40-43).

6. As per claims 3 & 13 Birdwell disclosed the device of claim 9, 10 or 11, wherein the first communication network is a telecommunications network, and wherein the transceiver is adapted for use with the telecommunications network (col.3, lines 10-16).

7. As per claims 5 & 14 Birdwell disclosed the device of any of claims 9 to 13 wherein the unsolicited information contains a content identifier, and further comprising a memory for storing, on the device, a list of content identifiers of interest (col.4, lines 66-67 & col.5, lines 1-46).

8. As per claims 6 & 15 Birdwell disclosed the device of claim 14, further comprising a filter for filtering the received unsolicited information to remove any information not having a content identifier in the list of content identifiers (col.5, lines 26-46).

9. As per claims 7 & 16 Birdwell disclosed the method of claim 1 or 2, wherein the second communication network is digital video broadcast terrestrial (DVB-T) network, and wherein the steps of receiving via the second network are adapted for receiving via the DVB-T network (col.3, lines 23-31, col.3, lines 40-43 & col.4, lines 25-34).

10. As per claims 8 & 17 Birdwell disclosed the method of 1 or 2, wherein the first communication network is a cellular network; and wherein the step of receiving via the further information is adapted to receive via the cellular network (col.3, lines 10-16 & col.4, lines 5-9).

11. As per claim 18 Birdwell disclosed the device of claims 9, 10 or 11, wherein the communication device is a portable communication device (col.4, lines 10-12).

12. As per claim 20 Birdwell disclosed the system of claims 9, 10 or 11, further comprising a database of user profiles for storing a list of information categories determined to be of interest to the users (col.2, lines 21-28 & col.6, lines 20-32).

13. As per claim 21 Birdwell disclosed the system of claim 20, further comprising a broadcast transmitter for transmitting information from the computer network to users determined to be interested in the information (col.3, lines 23-31 & col.3, lines 40-43).

### *Response to Arguments*

14. Applicant's arguments filed 06/03/2005 have been fully considered but they are not persuasive.

15. When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of

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ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

16. The applicant argued, “Birdwell discloses a plurality of content servers 22, a bidirectional data network 28, and a unidirectional broadcast network 30(Birdwell, FIG 1; col.3, lines 10-16; col.3, lines 23-31). Rather than the client requesting particular data from the servers...”

17. As to applicant's arguments in the independent claims there is no mention of the term “client” the term used in the claims is “device” and a server falls in that category as described by Birdwell. In addition Birdwell in the background section of the art discloses bi-directional data requests from the clients to the servers (col.1, lines 21-49).

18. The applicant argued, “ Birdwell fails to teach or suggest the requesting step as claimed”.

19. As to applicant's arguments please refer to examiner's comments on line 17.

### *Conclusion*

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami  
Examiner  
Art Unit 2143

  
AB

  
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